

UNITED STATES DISTRICT COURT

for the

NORTHERN District of OHIO**FILED**EASTERN Division

SEP 28 2020

1:20 CV 2191

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

Case No.

(to be filled in by the Clerk's Office)

Jury Trial: (check one) Yes No**JUDGE GAUGHAN**BRANDON S. OLMSTEAD.Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

See AttachedDefendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Brandon S. Olmstead

Street Address

2240 Hubbard Rd

City and County

Youngstown ~~MAHONING~~ Mahoning county

State and Zip Code

OHIO 44505

Telephone Number

None

E-mail Address

None.

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

DEFENDANTS

- 1) THE CITY OF ASHLAND, OHIO
(In official capacity)
- 2) ASHLAND CITY POLICE DETECTIVE BRIAN EVANS
(In personal and official capacity)
- 3) ASHLAND CITY confidential informant ANDREW LENTZ
(In personal and official capacity)
- 4) ASHLAND CITY confidential informant Bobby Birdette
AKA Bobby Hughes In personal and official capacity

Defendant No. 1

Name THE CITY OF ASHLAND
 Job or Title (*if known*)
 Street Address
 City and County
 State and Zip Code
 Telephone Number
 E-mail Address (*if known*)

Defendant No. 2

Name Brian Evans
 Job or Title (*if known*) Detective
 Street Address 1211 E. Main St.
 City and County Ashland
 State and Zip Code Ashland
 Telephone Number OHIO 44805
 E-mail Address (*if known*) 419-289-1696 / 419-289-3639

Defendant No. 3

Name Andrew Lentz
 Job or Title (*if known*) Confidential informant for city Police Dept
 Street Address 1211 E. Main St.
 City and County Ashland
 State and Zip Code Ashland
 Telephone Number OHIO 44805
 E-mail Address (*if known*)

Defendant No. 4

Name Bobby Burdette AKA Bogy Hughes
 Job or Title (*if known*) Confidential informant for city Police Dept.
 Street Address 1211 E. Main St.
 City and County Ashland
 State and Zip Code Ashland
 Telephone Number OHIO 44805
 E-mail Address (*if known*)

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

4th Amendment Right to Privacy
 4th Amendment Search and Seizure
 14th Amendment Due Process
 14th Amendment Equal Protection

OF THE U.S. CONSTITUTION

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) _____, is a citizen of the
 State of (name) _____.

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated
 under the laws of the State of (name) _____,
 and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) _____, is a citizen of
 the State of (name) _____. Or is a citizen of
 (foreign nation) _____.

b. If the defendant is a corporation

The defendant, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____. Or is incorporated under the laws of *(foreign nation)* _____, and has its principal place of business in *(name)* _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

(See) 2 claims Attached.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

See Attached relief & Damages 2 Pgs.

Claim 1

On or about August 20th 2020 I was informed by letter from Ashland county clerk of court that No Warrant exists for the October 26th 2016 Search of my Home.

Due to ineffective counsel I was Not Previously aware that No Warrant existed for this search. Upon Notice of NO Warrant I begin research Pro-Se, and After Diligently researching 1983 claims I Discover a Violation of my constitutional rights. (See) Attached letter from clerk.

On October 26th 2016 The city of Ashland Ohio. Acting in official capacity. Det. Brian Evans in Personal and official capacity and confidential informant Andrew Lentz in Personal and official capacity, Did Maliciously with reckless disregard for the constitutional rights of the Plaintiff, Acting under color of State law or custom ~~thereby~~ Deprived the Plaintiff of a well established United States constitutional Right.

The Rights Deprived include the 4th Amendment Right to Privacy the 14th Amendment Right to Due Process and the 14th Amendment Right to equal Protection. These rights guaranteed by the Constitution of the United States of America. Also 4th Amendment search and seizure was Deprived.

The Above Stated Deprived Brandon Olmstead of his Rights by Violating the Due Process rights and equal Protection right by failure to obtain a Warrant for the use of Video Surveillance recording inside the Private Domicile of Brandon Olmstead At the Address of 313 ½ Cleveland Ave Ashland Ohio 44805 Brandon Olmstead Does have a Property interest at this residence. As this is a reoccurring incident it is believed this is a custom of Ashland City Police Dept to Do So Without a Warrant. This invades the Privacy rights of citizens video recording inside homes.

(Statement of Facts) - For Claim 1

On October 26th 2016 confidential informant Andrew Lentz A 2-3 Year contracted Government Agent or SPY who receives \$75 compensation for setting up unsuspecting citizens. Contacted Det Brian Evans about possibly being able to purchase Marijuana from the Plaintiff Brandon Olmstead. Never before this October 26th Date had the Plaintiff sold Marijuana to the SPY or informant. Having No Prior involvement with the informant Det. Evans had No Probable cause to obtain a Search Warrant to Video Record the inside of the Plaintiff's home, or any reasonable suspicion of criminal activity. Informant Lentz Met with Det Evans at the Police Dept and was equipped with Audio/video recording equipment. Det Evans Provided \$ 50 buy money to Lentz. Then contacting Brandon Olmstead attempting to Purchase the Alleged Marijuana. Det. Evans and Lentz Proceeded to the home of the Plaintiff at 313½ Cleveland Ave Ashland OH 44805 Det. Evans sat at the nearby fire station supervising the surveillance. As it being the 1st interaction with this informant, Lentz parked at a nearby Dairy Queen awaiting a destination. The Plaintiff appeared from a upper door and ~~spoke~~ while on the phone with Lentz confirmed he visually noticed the Plaintiff, Lentz proceeded to the Plaintiff's home entering the home and began recording the inside searching for evidence of a crime. Lentz gave the buy money to the Plaintiff. The Plaintiff leaves to acquire what is alleged to be Marijuana, returning 10-15 minutes later. The Plaintiff gave Lentz the Alleged Marijuana and offered to smoke with Lentz, He declined and left. Lentz returned to the Police Dept. turning over the SPY equipment and ~~video~~ video evidence. Also turning over the Alleged Marijuana which was not tested. It should be noted that Lentz, while secretly video recording with his hidden camera attempted to gain intelligence/evidence

Doing so under the direction or supervision of Det. Evans
who listened to the transaction by transmitter. Det Evans Never
Attempted to get a search warrant for the Video SPYING
with hidden camera's Prior to the Search of my Private
Domicile.

End of Facts.
Statement.

Brady Olmsted

Signature Brandon Olmsted
9/20/20

The issue at hand is solely the Video recording, Not the
Audio. "Hidden video Surveillance inside a Private Domicile"
(Without a warrant to search by video) or government
intrusion into a Private Domicile is believed to Violate
my right to Privacy without a warrant.

Brady Olmsted

Brandon Olmsted
9/20/20

Claim 2

On or about August 20th 2020 I was informed by letter from Ashland county clerk of court that No warrant exists for the March 21st 2017 search of my Home.

Due to ineffective counsel I was not previously aware that No warrant existed for this search. Upon Notice of No warrant, I began research Pro-Se. After Diligently researching 1983 claims I Discover a violation of my constitutional rights (See) Attached letter from clerk.

On March 21st 2017, The city of Ashland OHIO. Acting in official capacity. Det. Brian Evans in Personal and official capacity, and confidential informant Bobby Burdette A.K.A. "Bobby Hughes" Acting in Personal and official capacity Did Maliciously with reckless disregard for the constitutional rights of the Plaintiff, Acting under color of State law or custom ~~or custom~~ Deprived the Plaintiff of a well established United States constitutional Right.

The rights deprived include the 4th Amendment right to Privacy the 14th Amendment right to Due Process, The 14th Amendment right to Equal Protection. These rights guaranteed by the constitution of the United States. Also 4th Amendment Search and Seizure was Deprived.

The above stated deprived Brandon Olmstead of his rights by violating the Due Process rights and equal Protection right by failure to obtain a warrant for the use of Video Surveillance recording inside the Private Domicile of Brandon Olmstead At the Address of 414 East Liberty St. Ashland OHIO 44805

Brandon Olmstead Does have a property interest at this residence. It is believed this is a custom to invade the Privacy rights of citizens acting without a warrant, using Video recording devices inside homes.

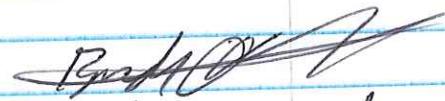
Statement of FACTS - for claim 2

on or about March 17th 2017 A Text message was sent to confidential informant Bobby Burdette by an unknown individual, from the Plaintiff Brandon Olmsteads Cell Phone. Bobby Burdette A 34 Year contracted government Agent or SPY for Ashland city Police Dept. who receives \$ 75 for Setting up unsuspecting citizens. On March 21st 2017 Burdette reached out to Ashland city Police, Det. Brian Evans to tell him Brandon Olmstead had Methamphetmine for sale. Evans equipped Burdett with a "I Phone" and Audio SPY equipment. The "I Phone" was used to video record the inside of the home for evidence of a crime. Prior to Burdett's arrival the Plaintiff instructed Burdett to come to the home of the Plaintiff. Located at 444 East Liberty St. Ashland OH 44805. Det Evans dropped Burdett off close to the home and supervised maintaining visual surveillance. Burdett walked the remaining distance to the home. Upon arrival a white male exited a minivan and entered the home. The white male who was welcome ~~was~~ entered the home, Burdett followed without permission to enter by the residents. Burdett followed the white male upstairs. Burdett entered an empty room and stood there for approximately 3-5 minutes before leaving the room and making contact with the Plaintiff. Burdett was noticed and told to leave the Spare bedroom and move to another room which was a common room for house guests. The Plaintiff enters and sits behind a coffee Table, Burdette sits on the Bed across from the Plaintiff who is unknowingly being recorded. Burdett Produces \$ 50 and Attempts to Purchase what Burdett Assumes is methamphetmine. The Plaintiff Produces a silver Box and behind the cover of several Soda Bottles weighs a half gram of what the Plaintiff testified at his trial in his own Defense to be legal Bath Salt. The Plaintiff received the \$ 50 and Burdette received the

legal Bath Salt. As Burdette stands to move her SPY camera above the cover of the Soda Bottles which hid the Plaintiffs Actions she catches a slight glimpse of a Blue light on a Digital Scale. Burdette sits back on the Bed and continues to aim the camera at the Plaintiff. The Plaintiff Brandon Olmstead Notices Burdette attempting to secretly video record him without consent and immediately tells Burdette to Put the Phone away. Burdette Places the camera in her Purse. The Plaintiff Now Suspiciously Attempts to have Burdette use the Bath Salt in a Smoking Pipe, Burdette declines saying she has to return to her Sister and Kids. The Plaintiff decides its in his and her Best interest to return the \$50 to Burdette and retrieve the Bath Salt. Burdette leaves with No Methamphetamine or Bath Salt. Burdette returns to Det. Evans turning over the Video evidence and equipment. She receives \$75 for the SPYing and After a couple hours returns to Prove Shes Not Working for the Police. She Produces a Syringe and Attempts to buy ~~the~~ the \$50 in Bath Salt. She takes the Bath Salt to the restroom and leaves the door open so she can be seen, where she injects it in her neck, using the mirror. Burdett Testified to this in trial.

Before returning the second time Burdette Knew she would be going into my home, as I Texted her to come to my house Det Evans Made No Attempt to gain a Search Warrant to use Video Surveillance equipment inside my ~~Home~~ Home. Burdette, noted under direct Supervision and Direction of Det. Evans to use this video SPYing equipment to search for evidence of a crime inside my Private Domicile.

End of Facts

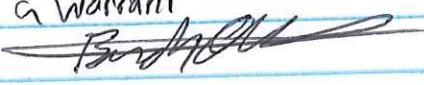


Brandon Olmstead

9/20/20

Statement

The issue is Not Audio But the Video camera SPYing inside my Home, without a Warrant



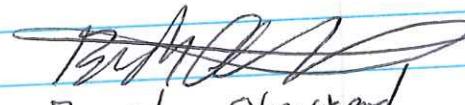
Damages

- 1) Inprisonment - continuing
- 2) Post traumatic Stress
- 3) loss of enjoyment of life
- 4) Mental anguish
- 5) inconvenience
- 6) emotional Pain
- 7) suffering
- 8) emotional Distress
- 9) loss of family by suicide
- 10) Paranoia
- 11) loss of Property by being imprisoned
- 12) loss of income
- 13) loss of liberty
- 14) loss of Happiness
- 15) Public Humiliation
- 16) Stress
- 17) Depression
- 18) loss of Civil Rights
- 19) Deprived of 4th Amendment ~~and~~ ^{14th Amendment} Privacy Right U.S. const.
- 20) Deprived of 4th Amendment search and seizure U.S. const.
- 21) Deprived of 14th Amendment Due Process U.S. const.
- 22) Deprived of 14th Amendment equal protection U.S. const.


Brandon Olmstead
9/20/20

Relief Prayed for

- 1) Maximum Punitive Damages ~~(\$10,000,000)~~
- 2) Maximum Compensatory Damages and OR If no cap exists for compensatory Damages \$ 1,000,000 Per claim.
- 3) Any Attorney Fees and court cost.


Brandon Olmstead
9/28/20

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

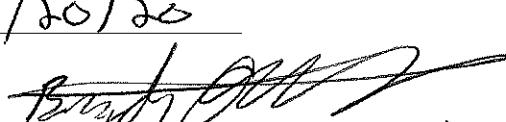
A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

9/20/20

Signature of Plaintiff



Printed Name of Plaintiff

Brandon Olmstead #704-239
2240 Hubbard Rd Youngstown OH 44505

B. For Attorneys

Date of signing:

9/20/20

Signature of Attorney



Printed Name of Attorney



Bar Number



Name of Law Firm



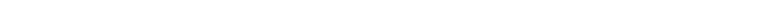
Street Address



State and Zip Code

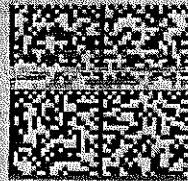


Telephone Number



E-mail Address





[REDACTED]
Brandon Omstead # 704239
2240 Hubbard Rd. Youngstown
OH 44505

Legal Mail

[REDACTED]
Office of the Clerk
US District Court
Northern District of OH
can B. States courthouse

801. W. Superior. A
cleveland. OH. 44113